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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/637,300	08/11/2000	Yaron Lederman	6727/0H530	8591

7590 02/25/2004

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805 Third Avenue
New York, NY 10022

EXAMINER

NGUYEN, STEVEN H D

ART UNIT	PAPER NUMBER
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2665

DATE MAILED: 02/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/637,300

Applicant(s)

LEDERMAN ET AL.

Examiner

Steven HD Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-15 and 17-26 is/are rejected.
- 7) ☒ Claim(s) 5 and 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3-4</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4, 6-15 and 17-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang (USP 6636505) in view of Chari (USP 6058445).

Regarding claims 1-3, 6-14 and 17-26, Wang discloses (Figs 1-14 and col. 1, lines 14 to col. 26, lines 64) an apparatus comprising DSLAM (Fig 4, Ref 90 is DSLAM and 110 are CPEs) such end switch for notifying the status and configuration information from a MIB to CPE wherein network connection comprising ATM, ILMI trap message such VCC, VPC, (Fig 7, Col. 7, lines 43-53 and col. 8, lines 42-53). However, Wang fails to disclose a step of sending a trap message to CPE which sending a request for the changed value in MIB, receiving the changed value from end switch and updating the MIB of CPE. In the same field of endeavor, Chari discloses (Figs 1-10 and col. 1, lines 40 to col. 98, lines 30) sending a trap message from a network end switch client premises equipment (CPE) over a network connection therebetween, informing the CPE of a change network management information base (MIB) of the end switch (Fig 2, SNMP agent 210 transmits a trap message to client when its MIB value has been changed; See col. 91, lines 4-30); receiving request from the CPE to the end switch, subsequent the trap message, read information from the MIB (Fig 2, Ref 208 generates a request for a value of MIB for transmitting to SNMP agent 210 after receiving a trap message, Col. 90, lines 34-56);

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providing the information from end switch to CPE responsive to the request (Col. 90, lines 34-56 and Col. 91, lines 5-30); and determining the change have been implemented by the CPE based on the request to read the information, wherein the CPE replaces old information recorded in a user the CPE with the information provided from the end switch; the information with the provided information substantially entirety, without parsing the information for changes; sending the trap message comprises sending multiple trap messages regarding multiple changes in the MIB, and wherein receiving the request comprises receiving multiple read requests from the CPE read the information from the MIB, each such read request subsequent a respective one of the trap messages, and wherein determining the change have been implemented comprises verifying, responsive to requests, that the changes have been implemented without the CPE having polled the end switch for further trap messages; (Col. 90, lines 34-56 and Col. 91, lines 5-30, the trap message is generated when a new value is stored in the MIB; therefore, client does not need to poll the SNMP agent 212).

Since, Wang suggests the use SNMP protocol in ILMI for notifying the status and configuration information in MIB to the CPE. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention was made to implement a method of generating a trap for notifying the client the information if MIB has been changing to allow the CPE generates a request for the changed information for updating its MIB as disclosed by Chari into Wang. The motivation would have been to prevent a customer accessing a fail VCC or VPC.

Regarding claims 4 and 15, Wang and Chari do not disclose the claimed invention. However, the examiner takes an official notice that a method and advantage for waiting for

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predetermined period time for receiving a request from CPE; if the request is not received within the predetermined period, re-sending the trap message are well known in the art at the time of invention was made. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention was made to implement a method of retransmitting the packet if an ack is not received within a period of time into the method and system of Wang and Chari in order to prevent data loss.

Allowable Subject Matter

3. Claims 5 and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As claims 5 and 16, the prior arts fail to disclose re-sending the trap message comprises making a predetermined number of attempts re-send the trap message and comprising sending a cold start message from the end switch to the CPE to reset the connection the request not received after the predetermined number been made.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Cohen (USP 6404861) discloses a DSL modem with management capability.

Yim (USP 6580727) discloses management system for DSLAM.

Kaycee (USP 5889470) discloses a DSL access device management information base.

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Kaycee (USP 6085245) discloses a system and method for support of IP subnetworks.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven HD Nguyen whose telephone number is (703) 308-8848.

The examiner can normally be reached on 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy D Vu can be reached on (703) 308-6602. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

A handwritten signature in black ink, appearing to be 'SHN' with a long horizontal stroke extending to the right.

Steven HD Nguyen
Primary Examiner
Art Unit 2665
2/21/04